

ATTACHMENT 6

Declaration of Captain Justin Peters

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREG ABBOTT, in his capacity as GOVERNOR
OF THE STATE OF TEXAS, and THE STATE OF
TEXAS,

Defendants.

Civil Action No.

DECLARATION OF CAPTAIN JUSTIN PETERS

1. My name is Justin Peters. I am a Captain in the U.S. Coast Guard currently serving as the Deputy Director for the U. S. Coast Guard Office of Emergency Management. I am responsible for establishing, developing and implementing policies, strategies and goals to meet the U.S. Coast Guard's incident response mission. This includes strategic programmatic oversight for the Offices of Search and Rescue Policy and Marine Environmental Response Policy. I have over 20 years of experience in the U.S. Coast Guard and am familiar with all Coast Guard missions, including missions within our jurisdiction along the Rio Grande River. I am either personally acquainted with the facts herein stated or have otherwise been made aware of them through the course of my duties, and declare as follows:

2. The Rio Grande River is both a U.S. navigable waterway and a U.S. maritime international border, which falls under U.S. Coast Guard regulatory authority and jurisdiction. Specifically, the Rio Grande River is located within the U.S. Coast Guard Sector Corpus Christi's Area of Responsibility, which is part of the Eighth Coast Guard District.

3. If called upon to conduct our statutory functions on the River, Coast Guard unit's can be expected to conduct a variety of missions including, but not limited to, Search and Rescue (14 U.S.C § 521), Marine Environmental Response (31 U.S.C 1321(c)), and Law Enforcement (14 U.S.C § 522).

4. I have been informed that the State of Texas is constructing a floating barrier within the boundaries of the Rio Grande River. The floating barrier reportedly consists of a string of buoys between 4 to 6 feet in diameter, which is anchored to the bed of the River near the Camino Real International Bridge, Eagle Pass, Texas.

5. The U.S. Coast Guard was not contacted by the State of Texas prior to the installation and construction of this floating barrier.

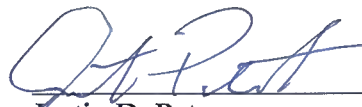
6. The U.S. Coast Guard has not been provided any assessments from the State of Texas concerning any potential impacts to public safety, the navigability of the waterway or the marine environment caused by the installation of the floating barrier.

7. If the State of Texas seeks a permit to construct the floating barrier through the Army Corps of Engineers, the Army Corps of Engineers may consult the Coast Guard as a supporting agency. If consulted, the Coast Guard will require further study of the barrier to appropriately assess the impacts of the barrier to the navigable waterway to ensure that placement of this structure within a navigable waterway of the United States complies with all applicable laws and regulations. Among the factors that the Coast Guard would evaluate are the impact of the structure on the safety of navigation as well as the traditional and possible uses of the waterway including possible impact on future Coast Guard mission tasking. The Coast Guard would consider the location of the structure in relation to the navigable channel, navigational traffic patterns, difficulty of navigation in the vicinity of the structure, the nature of maritime activity in the vicinity of the structure, the nature of the structure, and the potential for the structure to move with tidal or weather conditions. The Coast Guard would also consider whether any conditions (e.g, marking with aids to navigation) should be imposed on any permit for the structure to mitigate impacts to navigational safety and other maritime uses of the Rio Grande River. Because no permit has been sought, the Army Corps of

Engineers has not sought assistance from the Coast Guard and the Coast Guard has not been able to gather data to begin any such analysis.

I hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge and information.

Dated this 25th day of July 2023.


Justin D. Peters
Captain
United States Coast Guard

